

JRM dls 9/18/03 EWG-140

PATENT  
Attorney's Matter No. EWG-140REMARKS

Applicants respectfully request reconsideration of the application. Claims 6-9 and 14 are allowed, while claims 2, 3, 5 and 12 were indicated to be allowable if rewritten in independent form.

Claims 1, 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatenable over Stenzel et al in view of Desie et al. Claims 4 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stenzel in view of Desie et al. and Daigneault et al.

In a previous response and the ensuing action from the Office, there is a discussion of conventional vs. digital watermarks. While this discussion may be helpful from the perspective of providing some background, it is not pertinent to the claims to the extent that it does not refer to elements that are expressly recited in the claims. It is not proper to construe this discussion as adding any additional elements to the claims to the extent these elements are not expressly claimed. Therefore, to the extent that the remarks of applicants' representative referred to meanings of particular claim terms that are not required in view of the express claim language, they are withdrawn and should be not be taken into consideration in construing the claims or assessing their patentability.

From this discussion, it appears that there was some confusion in how the term, "digital watermark" was used in the claim. The amendments to claims 1 and 10 are intended to clarify the context of the digital watermark. These amendments modify and clarify the claims, but are not intended to only limit the claims.

The cited art fails to teach the claimed combination of elements in the amended claims. As such, the amended claims, and their corresponding dependent claims are patentable over the cited art.

Respectfully submitted,

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